

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SOUTHWEST EFUEL NETWORK, LLC §
 §
V. § CIVIL NO. 2:07-CV-311(TJW)
 §
TRANSACTION TRACKING §
TECHNOLOGIES, INC. §

ATTORNEY FOR PLAINTIFF: Robert R. Bodoin, Eamonn Joseph Wiles, Gil Gillam

ATTORNEY FOR DEFENDANT 3T: Joel Thomas Beres, Randy Michels, William C. Ferrell, Jr., Michael C. Smith

LAW CLERK: Shane Nelson

COURTROOM DEPUTY: Becky Andrews

COURT REPORTER: Martha Cantley

JURY TRIAL - FINAL DAY
January 12, 2010 @ 8:30 a.m.

OPEN: 8:30

ADJOURN: 10:55

Court opened.

Plaintiff called David Fuller. The witness was sworn. Direct examination of Mr. Fuller was conducted by Mr. Bodoin. Questions were asked and answered regarding the total reasonable royalty damages. License and maintenance fees also discussed. Printer and toner sales profit also covered by the witness. Direct examination continued by Mr. Bodoin.

Plaintiff's counsel asked to approach. Bench conference with all counsel. Plaintiff passed the

witness.

9:00 - Cross examination of Mr. Fuller was conducted by Mr. Beres.

9:42 - Re-direct of Mr. Fuller was conducted by Mr. Bodoin.

Counsel asked to approach. Bench conference.

Witness was excused. Plaintiff called Brian M. Hiatt. The witness was sworn. Cross of defendant's witness by Mr. Bodoin. Objection made by defendant's attorney. The Court sustained the objection and gave instruction. Cross continued. Pass the witness.

10:04 - Direct of Mr. Hiatt was conducted by Ms. Melissa Hunter.

10:06 - Re-cross by Mr. Bodoin.

10:12 - Plaintiff rests. Jury excused; to return at 10:45.

10:13 - Defendant moved for judgment as a matter of law on a number of claims.

10:16 - Mr. Bodoin responded for plaintiff.

The Court made rulings. The Court had questions of Mr. Bodoin, and he responded.

10:24 - Recess; the Court to return at 10:35.

10:42 - The Court questions Mr. Bodoin on instruction manuals. Mr. Bodoin responds. The Court grants Defendant's judgment as a matter of law.

10:47 - The jury was brought into the courtroom. The Court discussed the matter with the jury and the jury was then excused.

10:55 - Court was adjourned.